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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 JOHN RUSH,
10 Plaintiff,
11 vs.
12 R. MOONEY,
13 Defendant.
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Case No. 3:11-CV-00736-LRH-(VPC)

ORDER

15 Plaintiff, who is in the custody of the Nevada Department of Corrections, has submitted a
16 civil rights complaint pursuant to 42 U.S.C. § 1983. The complaint was previously screened by the
17 court (#7). The matter shall now proceed.

18 IT IS THEREFORE ORDERED that petitioner's motion to re-issue screening order (#12) is
19 **DENIED** as moot.

20 IT IS FURTHER ORDERED as follows:

- 21 1. Plaintiff's application to proceed in forma pauperis (#1) is **GRANTED**. Plaintiff
22 shall not be required to pay an initial installment of the filing fee. In the event that
23 this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C.
24 § 1915(b)(2).
25 2. The movant herein is permitted to maintain this action to conclusion without the
26 necessity of prepayment of any additional fees or costs or the giving of security
27 therefor. This order granting leave to proceed in forma pauperis shall not extend to
28 the issuance of subpoenas at government expense.

- 1 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay
2 to the Clerk of the United States District Court, District of Nevada, 20% of the
3 preceding month's deposits to plaintiff's account (inmate #62211), in the months that
4 the account exceeds \$10.00, until the full \$350.00 filing fee has been paid for this
5 action. The Clerk of the Court shall send a copy of this order to the Finance Division
6 of the Clerk's Office. The Clerk shall also send a copy of this order to the attention
7 of the Chief of Inmate Services for the Nevada Department of Corrections, P.O. Box
8 7011, Carson City, NV 89702.
- 9 4. The Clerk shall electronically serve a copy of this order and a copy of plaintiff's
10 complaint (#8) on the Office of the Attorney General of the State of Nevada,
11 attention Pamela Sharp.
- 12 5. The Attorney General's Office shall advise the Court within twenty-one (21) days of
13 the date of the entry of this order whether it can accept service of process for the
14 named defendants. As to any of the named defendants for which the Attorney
15 General's Office cannot accept service, the Office shall file, under seal, the last
16 known address(es) of those defendant(s).
- 17 6. If service cannot be accepted for any of the named defendant(s), plaintiff shall file a
18 motion identifying the unserved defendant(s), requesting issuance of a summons, and
19 specifying a full name and address for said defendant(s).
- 20 7. If the Attorney General accepts service of process for any named defendant(s), such
21 defendant(s) shall file and serve an answer or other response to the complaint (#8)
22 within sixty (60) days from the date of this order.
- 23 8. Henceforth, plaintiff shall serve upon defendant(s) or, if an appearance has been
24 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other
25 document submitted for consideration by the court. Plaintiff shall include with the
26 original paper submitted for filing a certificate stating the date that a true and correct
27 copy of the document was mailed to the defendants or counsel for the defendants. If
28 counsel has entered a notice of appearance, the plaintiff shall direct service to the

1 individual attorney named in the notice of appearance, at the address stated therein.
2 The court may disregard any paper received by a district judge or magistrate judge
3 which has not been filed with the Clerk, and any paper received by a district judge,
4 magistrate judge, or the Clerk which fails to include a certificate showing proper
5 service.

6 DATED this 31st day of January, 2012.

A handwritten signature in blue ink, appearing to read "L. Hicks", is written over a faint circular stamp.

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10 LARRY R. HICKS
11 UNITED STATES DISTRICT JUDGE
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